

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**H&R BLOCK TAX SERVICES, LLC,**

**Plaintiff,**

**v.**

**Case No. 12-CV1320-CV-W-FJG**

**LUTGARDO ACEVEDO-LOPEZ,**

**Defendant.**

**MOTION BY SWANSON MIDGLEY, LLC FOR LEAVE TO WITHDRAW AS  
COUNSEL FOR DEFENDANT, WITH SUGGESTIONS IN SUPPORT**

Pursuant to Local Rule 83.5, Swanson Midgley, LLC (“Swanson Midgley”), and the undersigned move for leave to withdraw as local counsel for Defendant in this action.

In support of the Motion, Swanson Midgley states:

1. Final judgment has been entered in this action, and a pro se notice of appeal has been filed by Defendant, as well as a pro se motion to stay, without consultation with, or assistance from, Swanson Midgley or the undersigned, indicating Defendant’s intention to proceed on a pro se basis in this matter, without assistance of counsel.
2. As Defendant states in his motion, Defendant presently is incarcerated in Puerto Rico, and Swanson Midgley has only been able to communicate with Defendant by sending letters to Defendant during his incarceration. Defendant has not contacted Swanson Midgley by phone call or letter during his incarceration.

3. Defendant has not paid all fees and expenses owed to Swanson Midgley, which fees and expenses are substantially past due.
4. Swanson Midgley previously has advised Defendant that the past-due fees and expenses must be paid if Swanson Midgley was to continue its representation of Defendant.
5. A copy of this motion is being sent to Defendant by regular and certified mail, return receipt requested, and Defendant is advised herein and by cover letter that any objection to this motion must be filed with the Court no later than November 20, 2014.
6. Swanson Midgley will continue to provide copies of any filings in this action to Defendant, but given Defendant's pro se filings, the lack of contact with Defendant, and the inability to consult with Defendant, Swanson Midgley does not anticipate further action on Defendant's behalf in this action unless directed to do so by the Court.
7. Defendant's mailing address is:

Lutgardo Acevedo-Lopez  
MDC Guaynabo  
Metropolitan Detention Center  
P.O. Box 2005  
Catano, PR 00963

WHEREFORE, Swanson Midgley, LLC ("Swanson Midgley"), and the undersigned move for leave to withdraw as counsel for Defendant in this action.

**/s/ John J. Miller**

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-And-

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**Certificate of Service**

I hereby certify that on November 3, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to:

David M. Kight  
Casey Murray  
Spencer Fane Britt & Browne LLP  
1000 Walnut Street, Suite 1400  
Kansas City, MO 64106

and

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/s/ John J. Miller  
Attorney for Defendant